

MARGER JOHNSON & McCOLLOM
PROFESSIONAL CORPORATION

PATENT, TRADEMARK AND COPYRIGHT LAW,
TECHNOLOGY LICENSING & LITIGATION

1030 SW MORRISON STREET
PORTLAND, OREGON 97205 USA

(503) 222-3613
FAX: (503) 274-4622

Email: jim@techlaw.com
Internet: www.techlaw.com

FOR IMMEDIATE DELIVERY

TO: Examiner Paul D. Marcantoni
U.S. Patent and Trademark Office
Group 1755

FAX: (703) 872-9310

FROM: James G. Stewart
Reg. No. 32,496

Date: March 6, 2003

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March 6, 2003

1030 S.W. MORRISON ST.
PORTLAND, OR USA 97205-2626
(503) 222-3613
FAX (503) 274-4622
Email: info@techlaw.com**VIA FACSIMILE (703) 872-9310**Examiner Paul D. Marcantoni
Group 1755
United States Patent and Trademark Office
Assistant Commissioner for Patents and Trademarks
Washington, D.C. 20231-9999Re: Application Serial No. 09/481,988
Filed: January 11, 2000
For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS *alcohol solvent*
BY EVAPORATION
Our Docket No. 1941-70 *or to make like Brinter*
add water

Dear Examiner Marcantoni:

The above-referenced reissue application has been arduously examined in the patent office for over three years. Applicant is eager to have the patent reissued, with the already allowed broadened claims as well as with additional claims to which it believes it is entitled. However, we seem to have reached an impasse with your view of certain new matter and enablement issues. After applicant filed his appeal brief, you changed the basis for the rejections, and issued a further, non-final Office action.

We believe that now is the time to reach much-needed agreement on patentability, thus to avoid the time and expense of an appeal.

Accordingly, we propose to amend claim 128 as follows, much in keeping with your earlier suggestions regarding breaking the heating step into a heating step and a calcining step.

128. (Proposed) A calcined mesoporous silica film on a substrate formed by a process comprising:

- dispensing a catalyst- and silica precursor- and solvent- and surfactant-containing solution on the substrate;
- forming a film on the substrate by rapid evaporation of the solution on the substrate;
- heating the film on the substrate for a time and to a temperature sufficient substantially to remove any residual solvent; and

*see original
further amend
or alcohol containing
solvent**must be an aqueous solvent **

OK

*Common ion
cations
refers to
emitted out*MAR 07 2003
GROUP 1700** must be an acid catalyst**do not
have solvent
for any solvents!**written twice*